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Myanmar: Investigate police use of force against protestors at troubled mine

The Myanmar authorities must initiate a prompt, independent, impartial and effective investigation into allegations that police used unnecessary or excessive force during a protest last week near the controversial Letpadaung copper mine in Sagaing Region, injuring at least 10 people.

At around 5pm on 24 March, police fired rubber bullets at a group of approximately 70 men and women from local villager who had blocked a road used by trucks to transport materials to the mine. The villagers have long raised concerns over abuses linked to the mine, and for more than a month had been protesting against the impacts of the trucks, including alleged disruption to the harvest and accidents in which livestock had been killed. Two days before the incident, the township administrator had issued an order prohibiting residents from stopping vehicles and blocking the road, from unauthorised assembly, from gathering in groups of more than 5 people, from walking, marching or “rioting” on the road.

At least 10 people were injured after police fired rubber bullets at the crowd. Photographs taken by villagers and shared with Amnesty International show protestors left with welts and open wounds. At least one person suffered from a head wound. According to one community member, the injured protesters did not go to hospital out of fear of being arrested and charged in connection with the protest. Local authorities reported that six police officers were wounded by protestors using catapults. The communities have not denied that some protestors used catapults. However, video footage of the incident appears to shows police opening fire on protestors without immediate provocation.

On 27 March, the Chief Minister of Sagaing Region Dr Myint Naing ordered that the transportation of rocks by trucks into the Letpadaung mine should be temporarily suspended, to prevent further tension in the area.

Under international law and standards, law enforcement officials must as far as possible apply non-violent means before resorting to the use of force. They may use force only when strictly necessary and to the extent required to carry out a legitimate law enforcement objective; they must not use firearms except in defence against an imminent threat of death or serious injury. Allegations of arbitrary or abusive use of force by police or other security forces carrying out law enforcement duties must be fully investigated by an independent and impartial mechanism. The authorities must also ensure that victims of such violations and their families receive full and effective reparations, including compensation.

This is not the first time security forces have been accused of unnecessary or excessive use of force during public order policing operations connected to the Letpadaung mine. In November 2012, police acting from inside the operating company Myanmar Wanbao’s compound at the Letpadaung

mine fired white phosphorus munitions at protestors, injuring more than 100 people. Some suffered horrific burns and lifelong disability. In another incident, in December 2014 Daw Khin Win, a woman villager, was shot and killed by police while taking part in a protest against the forced evictions on land close to the mine. To date, no official who was involved either in the death of Daw Khin Win, or in the attack using white phosphorous has been prosecuted or sanctioned in any way for their acts.

In addition to ordering an independent investigation, the Myanmar authorities should also conduct a thorough review of police tactics and the use of force and firearms during public order policing, with a view to ensuring that they meet international standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

The operating company of the Letpadaung mine, Myanmar Wanbao, has a responsibility to conduct human rights due diligence to prevent, mitigate and address adverse human rights impacts linked to its operations. Given the history of abuses carried out by security forces in relation to the project, the company must disclose its risk assessment and security plan to demonstrate that it has taken all possible measures to prevent further incidents.

Background

The Letpadaung mine and the Sabetaung and Kyisintaung (S&K) mines are part of the Monywa copper mining project in Sagaing Region, central Myanmar. Amnesty International has documented a range of human rights abuses surrounding the Letpadaung mine and neighbouring S&K mine, both of which are operated by subsidiaries of Chinese firm Wanbao Mining. These include forced evictions, loss of livelihoods and environmental damage. Peaceful protests against the impacts of the project have in some cases been met with unnecessary or excessive use of force by the police, and by the arrest and prosecution of protesters.

Since 2014, Amnesty International has been calling on the government of Myanmar to suspend the mine's operations until the human rights and environmental concerns are dealt with and effective processes are put in place to prevent further abuse.

Amnesty International also calls on foreign corporations doing business, or planning to do business, in Myanmar to ensure that their investments do not result in human rights abuses. All foreign corporations should conduct human rights due diligence on their planned business activities in Myanmar in line with international standards, as should Myanmar-based ones. The home state governments of companies investing in Myanmar must also ensure that their companies conduct human rights due diligence.